

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of January, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, Vice President, presiding. Council Member Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Absent: Hutcherson 1

// Copies of the minutes of the December 14 (two meetings), 2004 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Police - General, Resolution #R-04-152 amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$1,500, fully reimbursable, for the purchase of traffic safety equipment to effectively carry out selective enforcement activities and investigations, laid over from the December 14, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Airport - General, Resolution #R-04-153 amending the FY 2005 Airport Projects Grant Fund budget and appropriating \$20,000, fully reimbursable, for airport air service development activities, laid over from the December 14, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Airport - General, Resolution #R-04-154 amending the FY 2005 Airport Project Grant Fund budget and appropriating \$50,000, with \$25,000 reimbursement, for airport marketing and promotion activities, laid over from the December 14, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Fire - General, Resolution #R-04-155 amending the FY 2005 City/Federal/State Aid Projects Fund budget and appropriating \$73,382, fully reimbursable, to purchase mass decontamination

supplies and equipment by the Fire & EMS Department, laid over from the December 14, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Fire - General, Resolution #R-04-156 amending the FY 2005 City/Federal/State Aid Projects Fund budget and appropriating \$183,263, with \$128,258 reimbursement, to purchase fitness/wellness equipment and services for the Fire Department, laid over from the December 14, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Fire - General, City Council Report #7 was considered. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-001, as presented, amending the FY 2005 City/Federal/State Aid Projects Fund budget and appropriating \$41,038, fully reimbursable, to assist in the purchase of protective clothing/equipment and to support various fire programs/activities within the Fire and EMS Department:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// Vice Mayor Foster read a proclamation proclaiming January 9-16, 2005, as Lynchburg Police Department Bicentennial Week.

// In the matter of Community Planning – Community Development, a public hearing was held to approve the goals for the development of the 2005-2010 Community Development Block Grant/HOME Consolidated Plan. Administrative and Grants Coordinator Melva Walker presented revised 2005-2010 Consolidated Plan goals for consideration. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote approved the revised goals for the development of the 2005-2010 Community Development Block Grant/HOME Consolidated Plan:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #9 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue

acquisition of blighted property at 211 Oakridge Boulevard under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavelly outlined the request, stating that the property has been cited by the City's Inspections Department for code violations and has been condemned and determined unsafe for human habitation. Ms. Snavelly went on to say that to date no improvements have been made to the property. Two neighborhood residents spoke in support of the request. Charles Crump, owner of the property, stated that personal difficulties over the past five years have prevented him from maintaining the property, and advised that he is now in a position to seek new financing that would allow him to make the necessary improvements to the property. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Ms. Snavelly stated that if there is evidence that a property owner is making improvements to the property, then from past experience the Commissioners have asked that the staff monitor the situation and suspend the acquisition process. Council Member Dodson urged the property owner to contact the Housing Authority and submit a viable plan that would include a timeframe for completion of the improvements to the property. On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote adopted Resolution #R-05-002, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 211 Oakridge Boulevard under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #10 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 806 Rivermont Avenue under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavelly outlined the request, stating that the property has been cited by the City's Inspections Department for code violations and has been condemned and determined unsafe for human habitation. Ms. Snavelly went on to say that to date no improvements have been made to the property. Dan Engel, owner of the property, stated that there was no way that he could have completed the improvements to the property within the sixty (60) day timeframe given to him by the Housing Authority. Mr. Engel went on to say that he would like an opportunity to renovate the property but that it would take approximately six months to do so. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Mr. Engel stated that he did not contact the Housing Authority upon receipt of their letter. Council urged the property owner to contact the Housing Authority and submit a viable plan that would include a timeframe for completion of the improvements to the property. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-003, as presented, approving a

request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 806 Rivermont Avenue under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of Millside Development, LLC, for a Conditional Use Permit to construct a Cluster Commercial Development at Mill View Center, Graves Mill Road and Lillian Lane, in a B-1, Limited Business District. Community Planning Director Rachel Flynn provided a brief summary of the request. Mr. Chris Gentry, representing the petitioner, outlined the request and explained that the petitioner proposes the use of the site for a Cluster Commercial Development to include approximately 35,000 square feet of office space, an independent living facility with up to 120 units, and common use parking. Ms. Gidget Spencer, of Dawson, Ford, Garbee Realtors, representing an adjacent property owner whose property her firm has listed for sale, expressed concern regarding the impact that the development might have on her client's property. Ms. Spencer also questioned the future use of the gravel road and whether or not the road would be paved wide enough for two vehicles to pass since the road serves residents beyond the subject site. Ms. Valerie Long, representing the Heritage Green Assisted Living Facility, expressed concern that the independent living facility might evolve into an assisted living facility and questioned whether the community would be able to support two assisted living facilities. Both Ms. Spencer and Ms. Long asked that City Council delay action regarding the petition. An individual whose father is a patient at Heritage Green expressed concern regarding increased traffic. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, City Attorney Walter Erwin stated that the zoning ordinance would allow for either an assisted or independent living facility in a B-1, Limited Business District. Mr. Erwin also explained that since the gravel road is a private road that serves as the right-of-way for the residents along the road, the City should not be imposing a condition that would require the petitioner to do something, such as paving or widening of the gravel road, that would interfere with or violate the rights of other property owners. Council Member Helgeson noted that City Council is being asked to approve a Conditional Use Permit and not a rezoning request, that the independent living facility is permitted by right in a B-1, Limited Business District, and that the gravel road is a private road and that any agreement concerning paving or widening of the road should be between the petitioner and the adjacent property owners. Mr. Helgeson suggested that the second sentence in condition #6 concerning the paving of the private road be deleted. Following further discussion, and on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-004, as revised to delete the second sentence in condition #6, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #12 outlining the petition of C & G Properties to rezone approximately 1.09 acres at 1400 Lakeside Drive from B-3, Community Business District, and R-3, Medium Density Two-Family Residential District, to B-5C, General Business District (Conditional) to allow the operation of a thrift shop and related parking. Community Planning Director Rachel Flynn provided a brief summary of the request. Ms. Blake Royer, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-05-005, as presented, granting the petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Community Planning - General, a public hearing was held to receive comments regarding the City's procedures for the towing of disabled, unattended or abandoned private vehicles within the City. City Manager Kimball Payne provided a brief overview regarding the issues and options regarding the City's procedure for towing vehicles, including the Towing Advisory Committee's recommendation to change from the current system to a rotational system. Mr. Payne did note that the vote from the Committee was not unanimous. Mr. Payne went on to say that of the 2,000 calls for towing each year, only about 10% would fall under the towing contract parameters. Mr. Payne explained that City Council is being asked to consider the comments received at tonight's public hearing and be prepared to provide guidance to staff at the January 25 work session. Three members of the Towing Advisory Committee along with four other local business owners expressed concerns regarding the rotational system and recommended that the City continue with its current system of having a sole provider for towing services. An attorney representing new car dealers stated that the City should consider a single contract for default tows as well as towing for all City vehicles and derelict vehicles. Three business owners commented that the rotational system is the national standard and that having one towing service receiving business that would otherwise be competed for is simply unfair. There was no one else present who wished to speak to this item, and the public hearing was closed. Vice Mayor Foster announced that City Council would discuss this matter further at the January 25 work session.

// In the matter of Airport - General, City Council Report #14 regarding an amendment to the Britannia Aviation Lease of Hangers #7 and #8, as assigned to Falwell Aviation, to permit Falwell to conduct the required additional aeronautical services necessary to operate as a Fixed Base Operator at the Lynchburg Regional Airport was considered. Airport Director Mark Courtney outlined the request. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-006, as presented, approving an amendment to the Britannia Aviation Lease of

Hangers #7 and #8, as assigned to Falwell Aviation, to permit Falwell to conduct the required additional aeronautical services necessary to operate as a Fixed Base Operator at the Lynchburg Regional Airport:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Community Planning - General, City Council Report #15 was considered. On motion of Council Member Helgeson, seconded by Council Member Dodson, Council by the following recorded vote adopted Resolution #R-05-007, as presented, accepting the dedication of right-of-way of the public street extension of Bradley Drive:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Community Planning - General, City Council Report #16 was considered. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-008, as presented, approving the dedication 0.907 acres for right-of-way for the proposed extension of Palmer Drive, an existing public street off Grove Road:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Community Planning - General, City Council Report #17 regarding a request by the Wexford Homeowners Association requesting to name three private driveways off Leesville to "Wexford Place," "Wexview Lane" and "Barrington Way" was considered. Community Planning Director Rachel Flynn provided a brief overview, stating that the Planning Commission is recommending partial approval of the request, i.e., naming the main driveway "Wexford Place" with all the town home units having a Wexford Place address, and installing directional signs to assist emergency vehicles in locating individual town home units. Council Member Helgeson made a motion, seconded by Council Member Gillette, to approve Resolution B as recommended by the Planning Commission. Council Member Seiffert stated that during an emergency, having the three different street names would assist law enforcement officers in locating a specific address. Council Member Gillette offered a friendly amendment to the motion to approve the naming of two of the streets "Wexford Place" and "Wexview Lane". Council Member Helgeson commented that the homeowners association might want to provide input regarding the two street names and offered to withdraw his motion. Council Member Helgeson then made a motion, seconded by Council Member Seiffert, to postpone the request in order to receive input from the homeowners association regarding the two street names. Some Council Members commented that they did not support delaying the request, and that the homeowners association has already made known its desire to name all of the streets. Council Member Seiffert offered an amended motion, seconded by Council Member Gillette, to approve the request by the Wexford Homeowners Association and Council by

the following recorded vote adopted Resolution #R-05-009, as presented, approving the naming of three private driveways off Leesville to "Wexford Place," "Wexview Lane" and "Barrington Way":

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of City Code, City Council Report #18 regarding amending and reenacting Section 36-126.29 of the City Code relating to business licenses for contractors was considered. Commissioner of the Revenue Mitch Nuckles outlined the request. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-05-010, as presented, amending and reenacting Section 36-126.29 of the City Code relating to business licenses for contractors:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Appointments, and on motion of Vice Mayor Foster, Council by the following recorded vote appointed Mary Payne and Tara West to serve on the Community Development Advisory Committee to fill unexpired terms ending December 31, 2005:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// The meeting was recessed at 10:30 P.M. to January 25, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council